

**REMARKS**

In the Office Action dated August 11, 2005, claims 1 and 2 were rejected under §112, first paragraph as failing to comply with the written description requirement, because the Examiner stated the term "non-resistive" that was added to claim 1 in Applicants' previous response was not supported in the specification as originally filed.

Applicants note with appreciation the telephone interview courteously afforded Applicants' representative, wherein the above amendment to claim 1 was discussed and proposed. As discussed at the interview, the term "thermo-element" is precisely the term that is used in the present specification for use as the reference thermometer, at page 4, line 19. This language that has now been added in claim 1, therefore, is unquestionably supported by the original specification.

Moreover, as argued in Applicants' previous response, a thermo-element is a specific type of sensor that converts heat energy directly into electrical energy. This is supported by the dictionary definitions that were attached to Applicants' previous response. As also argued in that response, none of the references previously relied upon by the Examiner discloses or suggests the use of a reference thermometer comprising a thermo-element, in combination with the other features of independent claim 1. For the reasons argued in Applicants' previous response, therefore, claim 1, and claim 2 depending therefrom, are allowable over the art of record.


In the Office Action dated August 11, 2005, claims 3-6 were already stated to be allowed. Therefore, all claims of the application are in condition for allowance, and early reconsideration of the application is respectfully requested.

**BEST AVAILABLE COPY**

-5-

The present Amendment does not raise new issues requiring further consideration or searching by the Examiner, and is therefore properly enterable at this stage of prosecution, after the final rejection. The present Amendment presents exactly the same issues as were extensively discussed in Applicants' previous response, and therefore the Examiner has already considered all of these issues and arguments. In fact, it was a consideration of these arguments and issues that caused the Examiner to make the aforementioned rejection under §112, first paragraph. Entry of the present Amendment after the final rejection is therefore respectfully requested.

Submitted by,

 (Reg. 27,841)

SCHIFF, HARDIN LLP  
CUSTOMER NO. 26574  
Patent Department  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: 312/258-5786  
Attorneys for Applicants.

CHN\43707\3.1

**BEST AVAILABLE COPY**